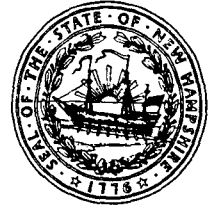




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



March 7, 2000

Mr. George C. Stafford
Stafford & Sons, Inc.
231 Court Street
Laconia, NH 03246-0220

CERTIFIED MAIL (Z 535 302 038)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2000-04

Re: Rodd's Service Center, Concord, NH

Dear Mr. Stafford:

On December 3, 1999, January 6, 2000, and February 22, 2000, personnel from the Department of Environmental Services, Air Resources Division ("DES") inspected the gasoline dispensing facility known as: Rodd's Service Center, located at 236 North Main Street, Concord, NH ("Rodd's Service Center"). The purpose of the inspections was to determine compliance with NH RSA 125-C and the NH Code of Administrative Rules Chapter Env-A 1205 VOLATILE ORGANIC COMPOUNDS (VOC): GASOLINE DISPENSING FACILITIES AND CARGO TRUCKS relative to Stage I/II Vapor Recovery Systems.

The following listing summarizes specific rules that Rodd's Service Center was found to be violating at the time of the inspection. Please refer to the enclosed copy of the above-referenced rule for its complete wording.

1. Env-A 1205.21(a) Stage II System Maintenance Requirements for Gasoline Dispensing Facilities, requires that the owner or operator of an applicable gasoline dispensing facility shall, as of the date of installation, and at all times thereafter, maintain stage II equipment such that it is properly operating, as specified by the CARB certification and as referenced by the manufacturer, and free of defects. DES records, and the inspections noted above, have revealed that a significant modification had been performed at Rodd's Service Center in November 1999, that the facility had failed two stage II tests beginning with the test performed on December 3, 1999 and that, to date, has not corrected the facility's stage II system such that it can successfully pass the stage II test. Therefore, Rodd's Service Center, has been in operation with defects from December 3, 1999; and
2. Env-A 1205.23(a) Stage II System Testing Requirements, requires that the owner or operator of an applicable gasoline dispensing facility shall test the facility's stage II system for compliance, in accordance with Env-A 1205.21(a), within 15 days of completion of a significant modification to a stage II system. DES records, and the inspections noted above, indicate that a significant modification was performed in November 1999 at Rodd's Service Center and that the facility had failed stage II system tests on December 3, 1999, and January 6, 2000.

DES believes that the above deficiencies can be resolved by Rodd's Service Center taking the following action:

1. Within 10 days of receipt of this Letter of Deficiency, notify Jim Poisson at (603) 271-2790 to set up a testing date; and
2. Successfully complete a stage II compliance test within 30 days of receipt of this letter.

Please note that DES must be notified in writing at least five (5) days prior to any proposed testing, and any tests conducted without the oversight of DES personnel are invalid for purposes of Stage II certification.

As leakage in underground vapor recovery piping is a potential source of groundwater contamination, the situation at this site has also been referred to the DES Waste Management Division.

In the event full compliance with the items above are not achieved within the timeframes specified, DES may take further enforcement action against you, such as the imposition of an administrative order, administrative fine, or referral of this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. If you have any questions regarding this matter, please contact Jim Poisson of the DES, Air Resources Division, Compliance Bureau at (603) 271-2790.

Sincerely,



Robert R. Scott
Administrator
Compliance Bureau
Air Resources Division

RRS:mtc

Enclosure: Env-A 1205

cc: K. A. Colburn, Director, DES/ARD
T. McCusker, EPA Region I
G. Rule, DES, O/C
City Council – Concord
F. McGarry, DES/WMD